

HOUSE BILL NO. 445

INTRODUCED BY R. MAEDJE

A BILL FOR AN ACT ENTITLED: "AN ACT ALLOWING A DRIVER OF A VEHICLE BEING WEIGHED TO PROCEED WITHOUT INCURRING A PENALTY IF THE WEIGHING PROCESS EXCEEDS 5 MINUTES; AND AMENDING SECTION 61-10-141, MCA."

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

Section 1. Section 61-10-141, MCA, is amended to read:

"61-10-141. Officers authorized to weigh vehicles and require removal of excessive loads -- enforcement of motor carrier safety standards -- duty to obtain bills of lading for agricultural seeds -- authority to inspect diesel-powered vehicles. (1) (a) A peace officer, officer of the highway patrol, or employee of the department of transportation may weigh any vehicle regulated by 61-10-101 through 61-10-104 and 61-10-106 through 61-10-110, except recreational vehicles as defined in 61-1-132, by means of either portable or stationary scales and may require that the vehicle be driven to the nearest scales if those scales are within 2 miles. If the weighing process at the scale exceeds 5 minutes, the driver of the vehicle being weighed may proceed without incurring a penalty.

(b) That person If it is determined in the weighing process that the maximum allowable weights specified in 61-10-101 through 61-10-104 and 61-10-106 through 61-10-110 have been exceeded, the peace officer, officer of the highway patrol, or employee of the department of transportation may then require the driver to unload at a designated facility that portion of the load necessary to decrease the weight of the vehicle to conform to the maximum allowable weights specified in 61-10-101 through 61-10-104 and 61-10-106 through 61-10-110. If the excess weight does not exceed 10,000 pounds, an excess weight permit may be issued in accordance with 61-10-121. The permit authorizes the driver of the excess weight load to proceed to a designated facility where the load can be safely reduced to legal limits.

(2) Commodities and material unloaded as required by this section must be cared for by the owner or operator of the vehicle at the risk of that owner or operator. Commodities or material unloaded as required by this section may not be left on the highway right-of-way.

(3) The department of transportation may establish, maintain, and operate weigh stations, either

1 intermittently or on a continuous schedule, and may require vehicles, except passenger cars and pickup trucks
2 under 14,000 pounds GVW and recreational vehicles, as defined in 61-1-132, {that are not new or used
3 recreational vehicles traveling into or through Montana for delivery to a distributor or a dealer}, to enter for the
4 purpose of weighing and inspection for compliance with all laws pertaining to their operation and safety
5 requirements. The department may require vehicles over 10,000 pounds to be inspected and weighed by
6 portable scale crews.

7 (4) The department of transportation shall work with the highway patrol in the enforcement of safety
8 standards adopted pursuant to 44-1-1005. For the purposes of the joint enforcement, the highway patrol is
9 designated as the lead agency. The highway patrol and the department of transportation shall cooperate to
10 ensure minimum duplication and maximum coordination of enforcement effort.

11 (5) In order to enforce compliance with safety standards adopted pursuant to 44-1-1005, the department
12 of transportation shall designate employees as peace officers. The designated employees must be employed
13 in the administration of the motor carrier services functions of the department of transportation. Each employee
14 designated as a peace officer may:

15 (a) issue citations and make arrests in connection with violations of safety standards adopted under
16 44-1-1005;

17 (b) issue summons;

18 (c) accept bail;

19 (d) serve warrants for arrest;

20 (e) make reasonable inspections of cargo carried by commercial motor vehicles;

21 (f) make reasonable safety inspections of commercial motor vehicles used by motor carriers; and

22 (g) require production of documents relating to the cargo, driver, routing, or ownership of the commercial
23 motor vehicles.

24 (6) In addition to other enforcement duties assigned under this section, an employee of the department
25 of transportation who is appointed pursuant to 61-12-201 has:

26 (a) the same authority to enforce provisions of the motor carriers law as that granted the public service
27 commission under 69-12-203;

28 (b) the duty to secure or make copies, or both, of all bills of lading or other evidence of delivery for
29 shipment of agricultural seeds as defined in 80-5-120 that have been sold or are intended for sale in Montana
30 and to forward the copies to the department of agriculture within 24 hours of the date the bill of lading was

1 obtained; and

2 (c) the authority, if probable cause exists, to stop and inspect a supply tank connected to the engine of
3 any diesel-powered motor vehicle operating on the public highways of this state in order to determine
4 compliance with Title 15, chapter 70, part 3.

(7) The department of transportation shall report to the revenue and transportation interim committee at least once each year on its enforcement, pursuant to the authority provided in subsection (6)(c), of the provisions of Title 15, chapter 70, part 3, and on any impacts that enforcement has had on the state special revenue fund."

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